



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

SK/JAM/AFM  
F. #2016R02228

*271 Cadman Plaza East  
Brooklyn, New York 11201*

May 17, 2021

By ECF

Zachary Margulis-Ohnuma  
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260 Madison Avenue, 17th Floor  
New York, NY 10016

Re: United States v. Aleksandr Zhukov  
Criminal Docket No. 18-633 (S-1) (EK)

Dear Counsel:

The government writes in response to various inquiries that you have made.

First, in response to the government's daily disclosure of trial witnesses and exhibits, the defense has asked whether the government's provision of a list of exhibits "mean[s] no further exhibits will be admitted tomorrow through the remaining witnesses."<sup>1</sup> The government has made its best efforts to provide its list of expected witnesses and exhibits each day, in accordance with the Court's wishes. Trial Tr. at 25. However, as the Court has already recognized, the government is doing so "understanding that [it is] not locking [itself] in to an exhibit list" and "that if one document or another turn out to be

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<sup>1</sup> The government is not filing emails between counsel on the public docket as a professional courtesy. However, the underlying email communications are available should the Court wish to review them.

relevant for reasons not immediately foreseeable” it “can adjust a bit on the fly.” Trial Tr. at 25.

Second, the defense has made various requests related to exhibits.

- You have requested copies of GX 810G and GX 816. Those exhibits were previously uploaded to USAFx on April 12, 2021, and May 12, 2021, respectively.
- You have requested revised versions of GX 659EA, GX 1682T, and GX 1683T. The government has revised these exhibits and uploaded them to USAFx.
- You have also requested that GX 627T be redacted. The government opposes redaction of that exhibit.

Third, the defense has made various requests regarding government witnesses who have already testified at trial. The government has complied in good faith with its § 3500 and Giglio obligations and will continue to do so. As to your specific inquiries:

- Kaitlin Townsend: The government disclosed § 3500 material for Ms. Townsend on April 12, 2021. On May 14, 2021, you claimed that a spreadsheet referenced in 3500-KT-1 was not turned over in time for effective use at trial. The referenced spreadsheet was disclosed during discovery on December 11, 2019 as part of ZHU000292, and as pre-marked trial exhibit GX 1304 on December 28, 2020. You have requested the government’s assistance in contacting Ms. Townsend to testify during the defense case. The government will assist in contacting Ms. Townsend but reserves its right to object to her testimony on grounds of relevance and prejudice. Please provide the date on which you expect to call Ms. Townsend as a witness. Please also provide a proffer of the relevance and probative value of her testimony.
- Sergey Denisoff: The government disclosed § 3500 and Giglio material for Mr. Denisoff on April 12, 2021. On the morning of Mr. Denisoff’s testimony, on May 11, 2012, you requested a copy of a sealed letter (ECF No. 13 on Case No. 20-CR-067). Later that morning, in the courtroom and prior to the beginning of the trial day, the government provided you with an opportunity to inspect the letter (which you did) and discuss the disclosures related to Mr. Denisoff more generally. Notably, the contents of the letter were also referenced in the § 3500 material previously disclosed to you (3500-SD-58 at p. 29-30). In addition, the fact that Mr. Denisoff self-surrendered in connection with the complaint and arrest warrant lodged against him was readily apparent from the record in his

case and, in particular, from the entries indicating that he was not arrested in California but rather appeared voluntarily in the Eastern District of New York with counsel present by telephone. Mr. Denisoff's self-surrender was discussed during the cross-examination on two separate occasions. Trial Tr. at 1249-50, 1252.

- Dimitris Theodorakis: The government disclosed § 3500 material for Mr. Theodorakis on April 9, 2021. The government also provided proffers of Mr. Theodorakis's testimony by letter on multiple occasions, both on its own initiative and in response to your prior requests for more information. See, e.g., ECF No. 287-3. The day before Mr. Theodorakis's testimony, on May 6, 2021, you requested additional emails related to an email chain disclosed to you on April 9, 2021 and marked 3500-DT-5. The remaining emails do not constitute § 3500 material for this witness.
- Antoni Kolev: The government disclosed § 3500 material for Mr. Kolev on April 12, 2021, and one document consisting of supplemental § 3500 material on May 16, 2021. The day before Mr. Kolev's testimony, on May 17, 2021, you requested "legal process" referenced in an FBI report disclosed to you on April 12, 2021 and marked 3500-AK-1. Legal process does not constitute § 3500 material for this witness.
- Ron Neilson: The government disclosed § 3500 material for Mr. Neilson on April 12, 2021. On the day of Mr. Neilson's testimony, on May 13, 2021, you requested a copy of the applicable contract between Media122 and AdKarma. The government has obtained a copy of the applicable terms and is providing it to you by email, Bates-stamped ZHU007511.

Very truly yours,

MARK J. LESKO  
Acting United States Attorney

By: /s/ Saritha Komatireddy  
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cc: Clerk of the Court (EK) (via ECF)  
All counsel of record (via ECF)